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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,186	07/27/2001	Christopher K. Shofner	SEA-18	9627

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EXAMINER	
WU, RUTAO	

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/917,186	SHOFNER ET AL.	
	Examiner	Art Unit	
	Rob Wu	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,6,8-13,15,16,18-21,23,24,26-31,33,34 and 36-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,6,8-13,15,16,18-21,23,24,26-31,33,34 and 36-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 03 2006 has been entered.

Specification

2. The amendment filed February 15, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

3. In paragraph [0012], "a database of data describing individual bales of cotton..."

4. In paragraph [0012]-[0015], a fiber quality measurement instrument located at a bale press in a cotton gin for providing fiber quality data on bale classing samples cut from individual bales substantially concurrently with the making up of cotton into individual bales.

5. While the applicant states that an internet web page printout from www.ams.usda.gov/cottom/ctnclass.htm provides support to the matter added to the specification, the Examiner note that the applicant cannot rely of outside documents to

provide support to the application, support must be provided by the specification of the application. See MPEP §2163.06.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1, 9, 19, 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In the amended claims 1, 9, 19, 27, limitation directed to "a fiber quality measurement instrument located at a bale press in a cotton gin from providing fiber quality data on bale classing samples cut from individual bales substantially concurrently with the making up of cotton into individual bales, and connected to said communications network for uploading to said database storage device." In line 7 of each respective claim receives support from the specifications based on new matter introduced.

Requirement for Information Under 37 C.F.R. § 1.105

8. Applicant and assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

The information is required to identify publications embodying the disclosed subject matter of determining classification information on bales of cotton. The applicant cited the web page of the Agricultural Marketing Service of the U.S. Department of Agriculture (USDA/AMS) on regulation of marketing of cotton. The web page presents regulation related to bale classing samples cut from individual bales. In response to this requirement please provide any known publications, brochures, manuals and press releases that describe the USDA/AMS' regulations.

9. The fee and certification requirement of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. § 1.105 that are included in the applicant's first complete communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37 C.F.R. § 1.97.

10. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

11. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item or required information, a statement that the item is

unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

12. This requirement is subject to the provisions of 37 C.F.R. § § 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 1-3, 8, 19, 20-22, 26 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 5805452 to Anthony et al in view of applicant's own submission to the internet web page www.ams.usda.gov/Cotton/ctnclass.htm (hereafter known as AMS).

Anthony shows a system to control the process of ginning cotton that meets the limitations. See the specification portion of the patent.

Referring to claim 1:

> a database storage device connected to a communications network for storing a database of bale identifications and associated fiber quality data; and
>
> a fiber quality measurement instrument located at a bale press in a cotton gin for providing fiber quality data on bale classing samples cut from

individual bales substantially concurrently with the making up of cotton into individual bales, and connected to said communications network for uploading to said database storage device.

Anthony states in his patent: a program storage device readable by a machine is provided (column 3, lines 34-35). A computer system that may communicate with other similarly configured computer systems or with a display via a network, such as an Ethernet local area network (column 9, lines 20-23). Tag data including name of the farmer, the variety of cotton, the farmer number, etc are transmitted via network from the gin computer to computer system. The kp_f read and write procedures can be used to display and record the tag data. The kp_f write procedure stores enough data to completely describe the current functioning of the system including the bale number (column 30, lines 19-34). Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Anthony does not expressly state sampling bale classing samples cut from individual bales. However, AMS states for cotton to be classified under Smith-Doxey, data for each bale is produced (Page 4 of AMS printout). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Anthony to sample quality data on bale samples cut from individual bales. Anthony would be motivated to perform such action to conform to the regulation set forth by the Agricultural Marketing Service.

Referring to claim 2:

Which further comprises at least one ginning process parameter measurement instrument located in the cotton gin, and wherein the database storage device further stores associated ginning process parameter data.

Anthony states in his patent: a control system that controls the processing of cotton through a gin to produce lint, and the control system includes measuring means for measuring sensor data that correspond to color, moisture, and trash content of the lint (column 4, lines 50-53).

Referring to claim 3:

Wherein said fiber quality measurement instrument measures one or more of micronaire, length, strength, color and trash, moisture content, nep content, maturity, fineness and stickness.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 4:

Claim cancelled by the applicant.

Referring to claim 8:

wherein the at least one ginning process parameter measurement instrument measures one or more of critical temperatures, process throughput, number and type of seed cotton, number and type of lint cleaners, seed cotton moisture content, and lint moisture content.

Anthony states in his patent: the kp_f_ write procedure stores enough data to completely describe the current functioning of the system including: the temperature of each of the dryer, the position of each of the seed cotton and lint cleaners, the moisture content of the cotton at several places in the gin, the color and trash level of the cotton being ginner, the ginning rate, etc (column 30, lines 24-32).

Referring to claim 19:

> employing a fiber quality measurement instrument located at a bale process in a cotton gin to provide fiber quality data on bale classing samples cut from individual bales substantially concurrently with the making up of cotton into individual bales; and
>
> transmitting the fiber quality data via a communications network to a database storage device that stores a database of bale identifications and associated fiber quality data.

Anthony states in his patent: a program storage device readable by a machine is provided that stores predicted values for color, moisture content, and trash content for the cotton (column 3, lines 34-35). A computer system that can receive tag data (e.g. name of the farmer, variety of cotton, harvest date, etc) of seed cotton entering the gin via network from the gin computer (column 30, lines 20-23). Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Anthony does not expressly state sampling bale classing samples cut from individual bales. However, AMS states for cotton to be classified under Smith-Doxey,

data for each bale is produced (Page 4 of AMS printout). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Anthony to sample quality data on bale samples cut from individual bales. Anthony would be motivated to perform such action to conform to the regulation set forth by the Agricultural Marketing Service.

Referring to claim 20:

> which further comprises employing at least one ginning process parameter measurement instrument located in the cotton gin to provide ginning process parameter data, and transmitting the ginning process parameter data via the communications network to the database storage device, the database storage device storing associated ginning process parameter data with bale identifications.

Anthony states in his patent: a control system that controls the processing of cotton through a gin to produce lint, and the control system includes measuring means for measuring sensor data that correspond to color, moisture, and trash content of the lint (column 4, lines 50-53). Also, procedures are provided for reading files on network for communication with other computers that are measuring parameters associated with the gin system (column 30, lines 13-15) and the kp_f_ write procedure stores enough data to completely describe the current functioning of the system (column 30, lines 24-26).

Referring to claim 21:

Wherein said step employing a fiber quality measurement instrument comprises employing an instrument that measures one or more of micronaire, length, strength, color and trash, moisture content, nep content, maturity, fineness and stickiness.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 22:

Cancelled by the applicant

Referring to claim 26:

Wherein the ginning process parameter data includes one or more of critical temperature, process throughput, number and type of seed cotton, number and type of lint cleaners, seed cotton moisture content, and lint moisture content.

Anthony states in his patent: the kp_f_ write procedure stores enough data to completely describe the current functioning of the system including: the temperature of each of the dryer, the position of each of the seed cotton and lint cleaners, the moisture content of the cotton at several places in the gin, the color and trash level of the cotton being ginner, the ginning rate, etc (column 30, lines 24-32).

15. Claims 5-6, 15-16, 23-24, 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No 5,805,452 to Anthony et al in view of U.S. Pat No

6,484,149 to Jammes et al in further view of internet web page www.ams.usda.gov/Cotton/ctnclass.htm

Anthony discloses in his patent electronic sensors that are able to determine numerous measurements of cotton fiber and the ability for the measured data be transmitted to a storage data device. Anthony does not disclose in his patent the ability for the electronic sensors to acquire images of the sample cotton fiber and transmit those images to the database.

Jammes discloses in his patent the ability for merchants to enter detail information about a new product by entering a value in the detail field. Merchants can also associate a picture of a product with the other information about the new product (column 40, lines 4-5 and 7-8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the electronic sensors of Anthony's invention to have the ability to take pictures of the cotton fiber as it is measuring data and transmit the images along with the data to the database storage device. One would be motivated to perform such modification to encourage buyers to purchase the products by showing them the images of the products.

16. Claims 9, 10-13, 18, 27, 28-31 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No 5,805,452 to Anthony et al in view of U.S. Pat No 5,063,507 to Lindsey et al and in further view of internet web page www.ams.usda.gov/Cotton/ctnclass.htm.

Referring to claims 9 and 27

Anthony discloses in his patent a system for material process control that includes a storage system to store certain identifications and associated fiber quality data. Anthony also discloses measurement sensors placed in gins that can provide fiber quality data without significant disruption to the ginning process. Anthony further discloses the ability of transmitting the fiber quality data colleted by the measurement sensors via a communications network to a storage device for storage. Anthony however does not disclose a method for buyers to access the storage device to select bales of fiber according to selected values.

Lindsey discloses the ability to input information into a buyer's terminal, which information is indicative of a desire to look at bales available for sale. Also, in response to such a request, a menu appears on the buyer's terminal screen indicating information to input to complete a transaction for purchasing one or more bales of cotton (column 10, lines 4-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Anthony's system to include the ability for buyers to interrogate the database storage device to select bales of fiber according to selected values. One would have motivation to perform such modification to facilitate the buyer's process of selecting wanted goods to complete the purchase.

Anthony does not expressly state sampling bale classing samples cut from individual bales. However, AMS states for cotton to be classified under Smith-Doxey, data for each bale is produced (Page 4 of AMS printout). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Anthony to sample quality data on bale samples cut from individual bales. Anthony

would be motivated to perform such action to conform to the regulation set forth by the Agricultural Marketing Service.

Referring to claim 10:

> Which further comprises at least one ginning process parameter measurement instrument located in the cotton gin, and wherein the database further stores associated ginning process parameter data.

Anthony states in his patent: a control system that controls the processing of cotton through a gin to produce lint, and the control system includes measuring means for measuring sensor data that correspond to color, moisture, and trash content of the lint (column 4, lines 50-53).

Referring to claim 13:

> Wherein said fiber quality measurement instrument measures one or more of micronaire, length, strength, color and trash, moisture content, nep content, maturity, fineness and stickiness.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 14:

> Cancelled by the applicant

Referring to claim 18:

> wherein the at least one ginning process parameter measurement instrument measures one or more of critical temperatures, process throughput, number and type of seed cotton, number and type of

lint cleaners, seed cotton moisture content, and lint moisture content.

Anthony states in his patent: the kp_f_ write procedure stores enough data to completely describe the current functioning of the system including: the temperature of each of the dryer, the position of each of the seed cotton and lint cleaners, the moisture content of the cotton at several places in the gin, the color and trash level of the cotton being ginner, the ginning rate, etc (column 30, lines 24-32).

Referring to claim 28:

which further comprises employing at least one ginning process parameter measurement instrument located in the cotton gin to provide ginning process parameter data, and transmitting the ginning process parameter data via the communications network to the database storage device, the database storage device storing associated ginning process parameter data with bale identifications.

Anthony states in his patent: a control system that controls the processing of cotton through a gin to produce lint, and the control system includes measuring means for measuring sensor data that correspond to color, moisture, and trash content of the lint (column 4, lines 50-53). Also, procedures are provided for reading files on network for communication with other computers that are measuring parameters associated with the gin system (column 30, lines 13-15) and the kp_f_ write procedure stores enough data to completely describe the current functioning of the system (column 30, lines 24-26).

Referring to claim 31:

> Wherein said step of employing a fiber quality measurement instrument comprises employing an instrument that measures one or more of micronaire, length, strength, color and trash, moisture content, nep content, maturity, fineness and stickiness.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 32:

> Cancelled by the applicant

Referring to claim 36:

> Wherein the ginning process parameter data includes one or more of critical temperature, process throughput, number and type of seed cotton, number and type of lint cleaners, seed cotton moisture content, and lint moisture content.

Anthony states in his patent: the kp_f_ write procedure stores enough data to completely describe the current functioning of the system including: the temperature of each of the dryer, the position of each of the seed cotton and lint cleaners, the moisture content of the cotton at several places in the gin, the color and trash level of the cotton being ginner, the ginning rate, etc (column 30, lines 24-32).

Referring to claims 11, 12, 29, 30:

Anthony discloses in his patent a dynamic programming model that optimizes cotton producers' profits by selecting the amount of gin machinery necessary to achieve

the most beneficial market value. Anthony does not disclose a method of calculating the purchase price of fiber in bales. Anthony also does not disclose what happens to the bales of cotton after it finishes the ginning process.

Lindsey discloses that after compressing cotton at the gin, the bales are transported to a warehouse for storage (column 4, lines 23-24). Buyers and sellers complete an order by agreeing on the sells of the bales of cotton and on a particular price. The buyer is then invoiced for the amount of the sale, plus any additional agreed upon costs (column 10, lines 65-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Anthony's invention to include a transporting and storing of bales of cotton fiber, and also providing the cost of bales of fiber to the buyer. One would be motivated to perform such modification to provide the pricing of bales of fiber that includes additional costs to the buyers to complete the purchasing process.

Referring to claims 37-40:

Anthony does not expressly disclose having a bale identification number for each bale. Lindsey disclose that cotton harvested by a producer was processed at the gin and compressed into baled form. After the compress operation, each bale was ticketed with a tag having a gin code, identifying the particular gin, and a gin tag number which identified the particular bale. (col 4: lines 15-19)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Anthony's system to include the ability to assign identification numbers to bales. One would have motivation to perform such

modification to facilitate the buyer's process of selecting wanted goods to complete the purchase.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rw

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER